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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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	:	
904 TOWER APARTMENT LLC and MADISON	:	
APARTMENT 905 LLC,	:	10 Civ. 9701 (LLS)
	:	
Plaintiffs,	:	
	:	
-against-	:	
	:	
THE MARK HOTEL LLC, MARK HOTEL	:	<u>NOTICE OF MOTION</u>
SPONSOR LLC, THE MARK HOTEL OWNERS	:	
CORP., ALEXICO GROUP, LTD., 205 EAST 45	:	
LLC, SIMON ELIAS, IZAK SENBAHAR and	:	
JOHN DOES 1-10,	:	
	:	
Defendants.	:	
-----	x	

PLEASE TAKE NOTICE that, upon the annexed declaration of Jeffrey L. Braun dated March 31, 2011, and the exhibits thereto, and the accompanying memorandum of law, the undersigned will move this Court, before The Honorable Louis L. Stanton, United States District Judge, at Courtroom 21C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, in accordance with Local Rule 6.1, for an order (1) dismissing the Second Amended Complaint in this action pursuant to the doctrines of *res judicata* and collateral estoppel, and pursuant to Rule 12(b)(6), F.R.Civ.P., on the ground that it fails to state a claim for which relief can be granted, and (2) granting defendants such other and

further relief as is just and proper, including their costs and reasonable attorneys' fees in accordance with the parties' agreements.

Dated: New York, NY
April 4, 2011

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Defendants

By: /s/ Jeffrey L. Braun

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Index No. 10 Civ. 9701

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All communications should be referred to:

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